

110TH CONGRESS  
2D SESSION

# H. R. 6505

To amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2008

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Captive Primate Safety  
5 and Disabled Human Assistance Act”.

1 **SEC. 2. ADDITION OF NONHUMAN PRIMATES TO DEFINI-**  
 2 **TION OF PROHIBITED WILDLIFE SPECIES.**

3 Section 2(g) of the Lacey Act Amendments of 1981  
 4 (16 U.S.C. 3371(g)) is amended by inserting before the  
 5 period at the end “or any nonhuman primate”.

6 **SEC. 3. CAPTIVE WILDLIFE AMENDMENTS.**

7 (a) PROHIBITED ACTS.—Section 3 of the Lacey Act  
 8 Amendments of 1981 (16 U.S.C. 3372) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (2)—

11 (i) in subparagraph (A), by inserting  
 12 “or” after the semicolon;

13 (ii) in subparagraph (B)(iii), by strik-  
 14 ing “; or” and inserting a semicolon; and

15 (iii) by striking subparagraph (C);  
 16 and

17 (B) in paragraph (4), by inserting “or sub-  
 18 section (e)” before the period; and

19 (2) in subsection (e)—

20 (A) by redesignating paragraphs (2), (3),  
 21 (4), and (5) as paragraphs (3), (4), (5), and (6)  
 22 respectively;

23 (B) by striking “(e)” and all that follows  
 24 through “Subsection (a)(2)(C) does not apply”  
 25 in paragraph (1) and inserting the following:

26 “(e) CAPTIVE WILDLIFE OFFENSE.—

1           “(1) IN GENERAL.—It is unlawful for any per-  
2       son to import, export, transport, sell, receive, ac-  
3       quire, or purchase in interstate or foreign commerce  
4       any live animal of any prohibited wildlife species.

5           “(2) LIMITATION ON APPLICATION.—This sub-  
6       section—

7           “(A) does not apply to a person trans-  
8       porting a nonhuman primate to or from a vet-  
9       erinarian who is licensed to practice veterinary  
10      medicine within the United States, solely for  
11      the purpose of providing veterinary care to the  
12      nonhuman primate, if—

13           “(i) the person transporting the  
14      nonhuman primate carries written docu-  
15      mentation issued by the veterinarian, in-  
16      cluding the appointment date and location;

17           “(ii) the nonhuman primate is trans-  
18      ported in a secure enclosure appropriate  
19      for that species of primate;

20           “(iii) the nonhuman primate has no  
21      contact with any other animals or members  
22      of the public, other than the veterinarian  
23      and other authorized medical personnel  
24      providing veterinary care; and

1 “(iv) such transportation and provi-  
2 sion of veterinary care is in accordance  
3 with all otherwise applicable State and  
4 local laws, regulations, permits, and health  
5 certificates;

6 “(B) does not apply to a person trans-  
7 porting a nonhuman primate to a legally des-  
8 ignated caregiver for the nonhuman primate as  
9 a result of the death of the preceding owner of  
10 the nonhuman primate, if—

11 “(i) the person transporting the  
12 nonhuman primate is carrying legal docu-  
13 mentation to support the need for trans-  
14 porting the nonhuman primate to the le-  
15 gally designated caregiver;

16 “(ii) the nonhuman primate is trans-  
17 ported in a secure enclosure appropriate  
18 for the species;

19 “(iii) the nonhuman primate has no  
20 contact with any other animals or members  
21 of the public while being transported to the  
22 legally designated caregiver; and

23 “(iv) all applicable State and local re-  
24 strictions on such transport, and all appli-  
25 cable State and local requirements for per-

mits or health certificates, are complied with;

“(C) does not apply to a person that—

“(i) is described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and exempt from tax under subsection (a) of such section;

“(ii) was incorporated under the laws of the State of New York in 1982; and

“(iii) provides service capuchin monkeys to permanently disabled individuals who are licensed by or secure permits from a State or locality to maintain such nonhuman primates in their residence, for the sole purpose of assisting such individuals to live independently; and

“(D) does not apply”;

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by striking “a” before “prohibited” and inserting “any”;

(ii) by striking “(3)” and inserting “(4)”; and

(iii) by striking “(2)” and inserting “(3)”;

1 (D) in paragraph (3) (as redesignated by  
2 subparagraph (A))—

3 (i) in subparagraph (C)—

4 (I) in clauses (ii) and (iii), by  
5 striking “animals listed in section  
6 2(g)” each place it appears and in-  
7 serting “prohibited wildlife species”;  
8 and

9 (II) in clause (iv), by striking  
10 “animals” and inserting “prohibited  
11 wildlife species”; and

12 (ii) in subparagraph (D), by striking  
13 “animal” each place it appears and insert-  
14 ing “prohibited wildlife species”;

15 (E) in paragraph (4) (as redesignated by  
16 subparagraph (A)), by striking “(2)” and in-  
17 serting “(3)”;

18 (F) in paragraph (6) (as redesignated by  
19 subparagraph (A)), by striking “subsection  
20 (a)(2)(C)” and inserting “this subsection”; and

21 (G) by inserting after paragraph (6) (as  
22 redesignated by subparagraph (A)) the fol-  
23 lowing:

1           “(7) APPLICATION.—This subsection shall  
2       apply beginning on the effective date of regulations  
3       promulgated under this subsection.”.

4       (b) CIVIL PENALTIES.—Section 4(a) of the Lacey  
5 Act Amendments of 1981 (16 U.S.C. 3373(a)) is amend-  
6 ed—

7           (1) in paragraph (1), by inserting “(e),” after  
8       “subsections (b), (d),” ; and

9           (2) in paragraph (1), by inserting “, (e),” after  
10      “subsection (d)”.

11      (c) CRIMINAL PENALTIES.—Section 4(d) of the  
12 Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is  
13 amended—

14           (1) in paragraphs (1)(A) and (1)(B) and in the  
15      first sentence of paragraph (2), by inserting “(e),”  
16      after “subsections (b), (d),” each place it appears;  
17      and

18           (2) in paragraph (3), by inserting “, (e),” after  
19      “subsection (d)”.

20 **SEC. 4. APPLICABILITY PROVISION AMENDMENT.**

21      Section 3 of the Captive Wildlife Safety Act (117  
22 Stat. 2871; Public Law 108–191) is amended—

23           (1) in subsection (a), by striking “(a) IN GEN-  
24      ERAL.—Section 3” and inserting “Section 3”; and

25           (2) by striking subsection (b).

1 **SEC. 5. REGULATIONS.**

2 Section 7(a) of the Lacey Act Amendments of 1981  
3 (16 U.S.C. 3376(a)) is amended by adding at the end the  
4 following new paragraph:

5 “(3) The Secretary shall, in consultation with  
6 other relevant Federal and State agencies, issue reg-  
7 ulations to implement section 3(e).”.

8 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR ADDI-**  
9 **TIONAL LAW ENFORCEMENT PERSONNEL.**

10 In addition to such other amounts as are authorized  
11 to carry out the Lacey Act Amendments of 1981 (16  
12 U.S.C. 3371 et seq.), there is authorized to be appro-  
13 priated to the Secretary of the Interior \$5,000,000 for fis-  
14 cal year 2009 to hire additional law enforcement personnel  
15 of the United States Fish and Wildlife Service to enforce  
16 that Act.

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